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ARNOLD & PORTER

November 12, 2002

June E. Cohan  
June\_Cohan@aporter.com  
202.942.5071  
202.942.5999 Fax  
555 Twelfth Street, NW  
Washington, DC 20004-1206

Commissioner for Patents  
Washington, D.C. 20231

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TECH CENTER 1600/2900

Re: U.S. Patent Application No. 09/540,235  
Filed: April 3, 2000  
Title: **Nucleic Acid Sequences from *Cyanidium caldarium* and Uses Thereof**  
Inventors: Dane K. FISHER *et al.*  
Atty. Docket: 16517.001/38-21(15749)B

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office (USPTO):

1. Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences (in duplicate); and
2. Return postcard.

Applicants request that the \$320.00 fee for filing a notice of appeal be charged to Deposit Account No. 50-2387, referencing matter number 16517.001/15749B.

Please stamp the attached postcard with the filing date of these documents and return it to our courier.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any additional fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. §§ 1.16 or 1.17 are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter Deposit Account No. 50-2387, referencing matter number 16517.001/15749B. A duplicate copy of this letter is enclosed.

Respectfully submitted,

June E. Cohan (Reg. No. 43,741)  
Holly Logue Prutz (Reg. No. 47,755)

Attachments